

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 7-13, 15, 34-36, and 38 are pending in the application, with claims 7 and 34 being independent. Applicant herein amends claims 7 and 34 in the manner discussed in the interview. Support for the claim amendments can be found in the original disclosure at least at Figs. 10-13, paragraphs [0008], [0113]-[0117], and [0127]-[0132]. No new matter has been added.

§ 102 REJECTIONS

Claims 7-12, 15, 34-36 and 38 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,981,032 B2 to Boivie et al., (hereinafter “Boivie”). Applicant respectfully traverses the rejection.

Nevertheless, without conceding the propriety of the rejection, and in the interest of expediting allowance of the application, claims 7 and 34 have been amended for clarification as discussed in the interview and are, therefore, believed to be allowable.

Independent claims 7 and 34, as presently amended, recite in part:

dividing a media data segment into constituent media data portions, wherein the constituent media data portions

comprise media data **blocks**, media data **sub-blocks**, or media data **bytes**;

tracking the constituent media data portions based on respective numbers of clients requesting the constituent media data portions;

ranking the constituent media data portions in popularity based on the respective numbers of clients requesting the constituent media data portions;

determining which constituent media data portions have a popularity that is above a predetermined popularity percentage responsive to the ranking; and

replicating the constituent media data portions that are determined to have a popularity that is above the predetermined popularity percentage

Applicant respectfully submits that Boivie fails to disclose each feature of independent claims 7 and 34.

Boivie Fails to Disclose each feature of Independent Claims 7 and 34.

Boivie is directed to “[a] method for distributing web content efficiently across a network preferably using multicast transmission techniques.” (Boivie, Abstract). Boivie describes a method where an information server receives a first request for a portion of information from a first networked device, and then a second request for the portion of information from a second networked device. (Id.). An information server collects the requests, and creates a combined response destined for reception by all devices having made a request. (Id.). Generally, Boivie attempts to minimize a number of similar data deliveries, by bulk-sending similar data to multiple requesting devices. (Id.).

While Boivie discusses methods of data distribution, Boivie fails to disclose “dividing a media data segment into constituent media data portions, wherein the constituent media data portions comprise media data **blocks**, media data **sub-blocks**, or media data **bytes**; tracking the constituent media data portions based on respective numbers of clients requesting the constituent media data portions; ranking the constituent media data portions in popularity based on the respective numbers of clients requesting the constituent media data portions; determining which constituent media data portions have a popularity that is above a predetermined popularity percentage responsive to the ranking; and replicating the constituent media data portions that are determined to have a popularity that is above the predetermined popularity percentage” as recited in amended independent claims 7 and 34. Thus, Boivie fails to disclose each and every feature of independent claims 7 and 34, amended as discussed in the interview.

In contrast to independent claims 7 and 34, Boivie does not discuss dividing a media data file into constituent portions, where the constituent portions may be as discrete as data bytes, and ranking the popularity of each discrete constituent portion to determine which of the portions to make copies of. For example, a data segment may be divided into 100 smaller portions, and for a particular reason the 35th through 41st portions are quite popular, and the 72nd through 83rd portions are not very popular at all. In this example, many copies would be made of the 35th through 41st portions, and few or no copies would be made of the 72nd through 83rd portions, based on the relative popularity ranking of the portions.

Accordingly, since Boivie fails to disclose each and every feature of independent claims 7 and 34, independent claims 7 and 34 are allowable for at least these reasons.

Dependent claims 8-12, and 15 depend from independent claim 7, and **dependent claims 35-36, and 38** depend from independent claim 34. Dependent claims 8-12, 15, 35-36, and 38 are allowable by virtue of this dependency, as well as for additional features that each recites.

§ 103 REJECTIONS

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being obvious over Boivie. Applicant respectfully traverses the rejection.

Dependent claim 13 depends from independent claim 7, herein amended for clarification, and is allowable by virtue of this dependency, as well as for additional features that it recites.

CONCLUSION

For at least the foregoing reasons, claims 7-13, 15, 34-36, and 38 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance. If any issue remains unresolved that would prevent allowance of this case, **Applicant requests that the Examiner contact the undersigned attorney to resolve the issue.**

Respectfully submitted,

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Representatives for Applicant

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